



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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500 WEST TEMPLE STREET
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May 16, 2005

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Agenda No. 11
05/25/04

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: PARKING PERMIT NUMBER 03-135-(1)
FIRST SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced permit by which the applicant requests a parking permit in the East Side Unit No. 4 Zoned District. The parking permit would allow the applicant to provide fewer parking spaces than would otherwise be required by the County Code for a proposed dance school. At the conclusion of the hearing, you indicated an intent to approve the permit and instructed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By


LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Public Works Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

LLH:di
Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PARKING PERMIT NUMBER 03-135-(1)**

1. The Los Angeles County Board of Supervisors ("Board") conducted a duly noticed public hearing on this proposed Parking Permit No. 03-135-(1) on May 25, 2004, which public hearing was held as the result of an appeal that was filed challenging the approval of the proposed parking permit by the Los Angeles County Regional Planning Commission ("Commission").
2. The applicant requests a parking permit pursuant to Section 22.56.990 of the Los Angeles County Code ("County Code") to authorize the provision of fewer parking spaces than otherwise would be required by the County Code to serve a proposed dance school. The proposed dance school is a permitted use by right in the subject zone.
3. The subject property is located at 342 ½ Ford Boulevard, within the East Side Unit No. 4 Zoned District. The site is flat, 0.6 acres in size, and rectangular in shape. It is currently developed with two commercial buildings. Access to the site is provided from Ford Boulevard to the east.
4. The site is zoned C-M (Commercial Manufacturing) and is located within the East Los Angeles Community Standards District ("CSD").
5. Surrounding zoning is: C-M, R-3 (Limited Multiple Residence) to the north; C-M, P-R (Restricted Parking), and R-2 (Two-Family Residence) to the south; R-3, C-3 (Unlimited Commercial), and C-M to the east. California Department of Transportation property is situated to the west.
6. The site is developed with a retail plaza consisting of: (1) an approximate 13,400 square-foot, two-story commercial building; (2) an approximate 5,000 square-foot, one-story mini-market; and (3) a 28-space parking lot. The first floor of the commercial building is presently occupied by a party supply and rental store, a bakery, and a take-out café. The second floor where the applicant proposes to locate the dance school is presently vacant.
7. Surrounding land uses are: commercial, a church, a public parking lot, single-family residential, and two-family residential to the north; manufacturing, a school, single-family residential, and two-family residential to the south; commercial, single-family residential, and two-family residential to the east; and a public parking lot and the Long Beach Freeway (710) to the west.
8. The site has a commercial/manufacturing land use designation in the East Los Angeles Community Plan. Areas with this designation have a mix of uses, including small warehouse, light manufacturing, assembly plant, wholesale, and other uses that do not generate significant traffic, noise, congestion, or odors.

9. The existing retail plaza and the proposed dance school are consistent with the commercial/manufacturing land use designation in the East Los Angeles Community Plan. There are no other general plan policies specifically applicable to the site.
10. The site is located within the Maravilla Redevelopment Area. This redevelopment area was established to eliminate blight conditions in the community and to provide for the community's orderly growth and development by encouraging preservation, rehabilitation, and development.
11. Two previous zoning cases relate to this property:
 - Plot Plan Case No. 36906. This case involved the proposed addition of storefronts and awnings to the site, proposed painting for the site's exterior walls, proposed signage, and a proposed addition of a take-out café to the site. The storefront, awning, and paint proposals were approved on November 11, 2001; the take-out café proposal was approved on January 29, 2002.
 - Enforcement Case No. 030352. This enforcement case was opened in April 2003 after the Los Angeles County Department of Regional Planning ("Department") received complaints regarding the operation of a dancehall at the site where the applicant lacked a conditional use permit for such a use. Since that time, the applicant has ceased operating the dancehall. The instant parking permit application would allow a dance school but not a dancehall. There currently are no known violations on the property.
12. The applicant's site plan depicts the approximate 13,400 square-foot, two-story commercial building existing at the site, with retail and bakery uses on the first floor and the proposed dance school on the second floor. The site plan also depicts 28 parking spaces, two of which are accessible to disabled persons. Depicted across from the parking spaces is an approximate 5,000 square-foot mini-market.
13. The property is subject to the community-wide and zone-specific development standards in the CSD, set forth in Sections 22.44.118.C and D of the County Code. The community-wide standards in the CSD for fences, freestanding signs, outdoor advertising signs, and building height restrictions are inapplicable because the applicant is not proposing any fences or any such signs on the subject property, and the zone-specific height restrictions in the CSD supercede the community-wide height restrictions. The approximate 30-foot high, two-story commercial building on the site complies with the 40-foot height limit set forth in Section 22.44.118.D.7.a of the County Code for properties within the C-M zone of the CSD.

14. The CSD requires that all signs at the site comply with the following requirements: (1) the total cumulative sign area for all signs on the building shall be a maximum of ten percent of the building's face area and in no event shall exceed 240 square feet where the building's face area is defined as the height of the building (not including the parapet) multiplied by its frontage (Sections 22.44.118.C.3.b.i and ii of the County Code). The applicant has provided no plans for any proposed sign on the property. As a condition of approval of this grant, the applicant will be required to submit sign elevations that comply with the applicable sign requirements for all proposed signs.
15. There are no development standards in the C-M zone, other than parking, discussed in Finding 16 below that apply to the subject property. The outside storage and outside display standards in the C-M zone are inapplicable because the applicant is not proposing any such uses. The landscaping standards in the C-M zone would be applicable to the site but are superceded by the landscaping standards in the CSD.
16. Section 22.28.270.B of the County Code sets forth the development standards related to parking in the C-M zone, and it requires premises in the C-M zone to have parking facilities in compliance with Part 11, Chapter 22.52. The applicable Sections of Part 11, Chapter 22.52 are Sections 22.52.1100, 22.52.1110, and 22.52.1220. These sections require, in part, as follows: (1) a minimum of one parking space for each 250 square feet of floor area for retail sale establishments and for eating establishments that sell food for off-site consumption that have no seating or other area for on-site eating (Section 22.52.1100); (2) a minimum of one space for each 400 square feet of floor area for non-medical business or professional offices (Section 22.52.1100); (3) for dancehalls, one parking space for each three occupants of the facility, based on the occupant load determined by the county engineer (Section 22.52.1110.A.g); and (4) for uses not specified in Part 11, Chapter 22.52, parking in an amount which the Planning Director finds adequate to prevent traffic congestion and excessive on-street parking (Section 22.52.1220). Parking requirements for a dance school are not specified in the County Code. Pursuant to (4) above, the Planning Director has determined that the proposed dance school is most comparable to a dancehall for parking purposes and that the dancehall parking requirement of one parking space for each three occupants of the facility would be adequate to prevent traffic congestion and excessive on-street parking.

17. Under existing development standards without the parking permit, the parking requirements for the site would be:

USE	SQUARE FEET	OCCUPANCY LOAD	FORMULA UNDER COUNTY CODE	PARKING SPACES REQUIRED
Party Rental/Bakery	7,071 square feet	N/A	1 Space/250 square feet	28
Office	529 square feet	N/A	1 Space/400 square feet	1
Take-Out Café	793 square feet	N/A	1 Space/250 square feet	3
Proposed Dance School	N/A	265	1 Space/3 occupants	88
Market	5,000 square feet	N/A	1 Space/250 square feet	20
TOTAL PARKING SPACES REQUIRED				140

18. The existing on-site parking lot has 28 parking spaces, two of which are for persons with disabilities. Due to the physical constraints of the site, additional parking on-site is not possible. The buildings on the site were developed in the late 1920s, prior to the current parking standards. The first requirement to provide parking spaces in connection with the construction of a new building was adopted in 1943 (Ordinance 4292, effective date November 10, 1943). Accordingly, the existing buildings are nonconforming due to parking standards.
19. Two public parking lots have recently been constructed in the immediate vicinity of the site. These are: (1) a 60-space parking lot located across the street from the site; and (2) a similar-sized parking lot located at the corner of Cesar E. Chavez Avenue and Ford Boulevard, approximately 200 feet from the site. These lots both provide free parking and both are under-utilized.
20. Section 22.56.990 of the County Code provides a parking permit procedure to authorize an alternative to the parking requirements of Part 11, Chapter 22.52 in the event that a particular use does not have the need for such requirements. This alternative is intended to provide flexibility in the design of particular uses with special characteristics by reducing the number of parking spaces otherwise required for such uses. Under this section, a parking permit may be requested to reduce the number of required parking spaces for a project by: (1) authorizing the shared use of parking facilities; and/or (2) allowing the project to use off-site parking facilities in calculating its parking requirement.
21. The site is located in a low-income area where a large number of residents use public transportation or walk to shopping areas.

22. As a condition of approval for this grant, the proposed dance school will be limited to a maximum number of 45 students per class. The Board finds that the 88 parking spaces required for the dance school, as shown in Finding 17 above, will not be necessary, and that the existing 28 parking spaces at the site, in combination with the two nearby public parking lots will be adequate for the proposed use. The Board also finds that such reduction in parking spaces will not result in traffic congestion, excessive off-site parking, or the unauthorized use of parking facilities serving surrounding properties.
23. Comments received by the Los Angeles County Department of Regional Planning ("Department") concerning this project included one letter and a nine-signature petition in opposition to the project; and three letters in support of the project; two of which were from the Maravilla Community Advisory Committee and the East Los Angeles Chamber of Commerce, respectively.
24. The project is categorically exempt from the provisions of the California Environmental Quality Act ("CEQA") in that it is within a class of projects that has been determined not to have a significant effect on the environment. The applicable class, Class 1 (Existing Structures), is described in section 15301 of the State CEQA Guidelines and Appendix G of the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles, and relates to the permitting and/or minor alteration of existing facilities involving negligible or no expansion of use beyond that already existing at the site. The applicant's proposed use will occur in an existing building and will entail no new construction.
25. The East Los Angeles area is known to have a shortage of parking because many of the area's existing buildings were constructed before the current parking requirements were adopted.
26. The Board has considered the testimony at the hearing in favor and in opposition to this project. The number of individuals who testified against the project raised concerns related to the noise associated with the proposed business, the parking problems in the area, and the alleged nuisance-like activities this business could attract. The Board finds that with the appropriate restrictions set forth in the conditions of approval, the proposed use of the site, with its reduced parking, landscaping, and buffering, will address these concerns and will also be compatible with surrounding land uses.
27. The Board has reviewed and considered the determination that the project is categorically exempt under CEQA together with any comments received during the public review process; finds on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment; and finds that the such determination reflects the independent judgment and analysis of the Board.

28. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. That the requested parking permit at the proposed location will not result in traffic congestion, excessive off-site parking, or the unauthorized use of parking facilities developed to serve surrounding properties;
- B. That there will be no need for the number of parking spaces at the site required by Part 11, of Chapter 22.52, because: (1) there is an existing public transportation system that can be used by customers and employees of this site; (2) there will be no conflicts arising from special parking arrangements that allow shared facilities; and (3) there are off-site facilities that will provide some of the required parking and these off-site facilities are currently under-utilized; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping, and other development features prescribed in the Zoning Ordinance.

THEREFORE, THE BOARD OF SUPERVISORS:

- 1. Finds that the project is categorically exempt from the provisions of CEQA; and
- 2. Approves Parking Permit No. 03-135-(1), subject to the attached conditions.

**CONDITIONS OF APPROVAL
PARKING PERMIT NUMBER 03-135-(1)**

1. This grant authorizes the use of the subject property with less than required parking, as depicted on the exhibit map marked Exhibit "A" (dated October 17, 2002) on file at the Department of Regional Planning ("Department"), subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, its successors and assigns, and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until a duly authorized representative of the permittee and the owner of the subject property, if other than the permittee, have filed at the Department an affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and that the conditions have been recorded as required by Condition No. 9, and until all required monies have been paid pursuant to Condition No. 11.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009, or other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding is filed, as described above, the permittee shall within ten days of the filing pay the Department an initial deposit of \$5,000 from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - A. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
 - B. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

6. The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Section 2.170.010 of the Los Angeles County Code ("County Code").
7. This grant shall expire unless used within 60 days from the date of approval. A 30-day time extension may be requested in writing with payment of the applicable fee, prior to the expiration date.
8. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
9. The terms and conditions of this grant shall be recorded in the office of the Los Angeles County Registrar-Recorder prior to its use. In addition, upon transfer or lease of all or any portion of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property.
10. This grant shall terminate automatically upon the termination of the subject property's use as a dance school. This grant shall also terminate automatically, and the parking standards set forth in Part 11, Chapter 22.52 shall apply if any of the following occurs, unless a new parking permit otherwise authorizes: (1) the proposed dance school substantially changes its operation so as to require more parking; (2) the nearby public parking lot on Ford Boulevard becomes unavailable; or (3) the current owner or any subsequent owner or tenant of the facility changes the use or occupancy of the subject property.
11. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the Department a check in the sum of \$1,650 payable to the County to be placed in a performance fund which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of this grant, including adherence to development in accordance with the site plan on file. The fund provides for six monthly inspections for the first six months of this parking permit, as required by Condition 20(P), and thereafter for five inspections, one every other year. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department for all additional inspections

and for any enforcement efforts necessary to bring the subject property into compliance. The charge for additional inspections shall be the recovery cost in effect at the time of payment. The current recovery cost is \$150 per inspection.

12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant if it is found that these conditions of approval have been violated, or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
13. All development at the site shall comply with the requirements of the Zoning Ordinance (Title 22 of the County Code) and of the specific zoning of the subject property, except as specifically modified by this grant, as set forth in these conditions, including Exhibit "A."
14. The permittee shall comply with all requirements of the Los Angeles County Department of Public Works ("DPW") and within 30 days of the approval date of this grant, the permittee shall contact the local Building and Safety office of DPW for any needed retrofitting as may be required by that office.
15. Within 30 days of the approval date of this grant, the permittee shall comply with all requirements of the Los Angeles County Fire Department ("Fire Department") as set forth in its letter dated May 19, 2004, attached hereto, except as otherwise required by the Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by the Fire Department.
16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage, except if they directly relate to the use subject to this grant or provide pertinent information about the premises. Notwithstanding the foregoing, seasonal decorations and/or signs related to an event by or for a civic or non-profit organization shall be allowed. In the case of any extraneous markings, drawings, or event signs, as just described, the permittee shall remove or cover them within 24 hours after the marking, drawing or event occurs, weather permitting. Any paint utilized to cover markings, drawings, or signage shall be of a color that matches, as nearly as possible, the color of the adjacent surfaces.
17. The subject property shall be developed and maintained in substantial conformance with Exhibit "A." In the event the permittee wishes to submit revised plans in the future, the permittee shall submit three copies of the proposed plans to the Planning Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner approving the revised plans.

18. Within 60 days of the approval date of this grant, the permittee shall submit to the Planning Director for review and approval three copies of dimensioned sign elevations for all proposed new signs, if any, on the subject property.
19. All signs on the subject property shall comply with the requirements of Part 10, Chapter 22.52, and Section 22.44.118.C.3 of the County Code for the applicable zone in which the sign is located.
20. The operation and maintenance of the subject dance school with less than the required number of parking spaces shall further be subject to the following restrictions:
 - A. A minimum of 26 standard parking spaces and two reserved spaces for persons with disabilities shall be provided and continuously maintained on-site. The access aisles adjacent to the parking spaces for disabled persons shall not be used for additional parking. All parking spaces shall remain free and clear of debris and available for parking at all times;
 - B. The permittee shall maintain in a neat and orderly fashion, and shall keep free of litter and debris, all areas of the premises over which the permittee has control;
 - C. The permittee shall post signs on the premises indicating that the only persons allowed to park in the parking lot are customers of the business establishments on the subject property;
 - D. The permittee shall post signage by the dance school entrance with a contact telephone number for reporting complaints to the County Sheriff and the Department Zoning Enforcement Section related to the conditions of this approval;
 - E. The permittee shall ensure that a current contact name, address, and telephone number for said permittee is on file with the Department at all times;
 - F. Within 60 days of the approval date of this grant, the subject property owner shall furnish to the Department and record in the office of the Registrar-Recorder a covenant running with the land for the benefit of the County of Los Angeles providing that if this parking permit should terminate, the owner or his/her successor in interest shall either terminate the use of the dance school or develop the on-site parking spaces needed to bring such use and/or occupancy into conformance with Chapter 22.52 of the County Code;
 - G. The hours of operation for the dance school shall be 10:00 a.m. to 9:30 p.m., seven days a week;

- H. Each dance school class shall have a maximum of 45 students;
- I. The facility shall not be rented out for events or parties;
- J. No live music shall be allowed at the dance school and no music shall be audible from outside the facility;
- K. There shall be a minimum of a 15-minute break between each dance school class;
- L. Consecutive dance school classes shall be of a different dance type;
- M. If the Department receives a complaint regarding the operation of the dance school within six months of its inception, the applicant shall hold a community meeting which includes a representative of the Department to address the allegations of the complaint;
- N. The permittee shall install a video camera on the premises that films the entrance to the studio and the on-site parking lot and shall keep the recorded video for a period of one month;
- O. The permittee shall be required to sweep the two nearby public parking lots used by the dance school twice a week;
- P. Upon the dance school's opening, the Department shall conduct monthly inspections at the site for the first six months of this parking permit to ensure compliance with this grant;
- Q. The Commission shall review the status and compliance of this parking permit after six months of the dance school's operation, and if the permittee is found to be in compliance, the Commission shall consider modifications to the conditions of this grant related to the dance school's number of inspections, hours of operation, and maximum allowable number of students;
- R. No smoking shall be permitted on the dance school's balcony;
- S. The permittee shall build a six-foot block wall on the site's eastern property line; and
- T. Prior to opening, the dance school shall pass the inspection of the Fire Department and the DPW's Building and Safety Division.

ATTACHMENT



COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

R.P.

DATE: 05-19-2204

TO: Department of Regional Planning
Permits and Variances

SUBJECT: CUP 03-135

LOCATION: 342 1/2 North Ford Blvd.

- ☐ The Fire Department has no additional requirements for this permit.
- ☒ The required fire flow for this development is **2250** gallons per minute for **2** hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☐ Install ___ Public and/or ___ On-site and/or ___ Verify / Upgrade 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☐ **Comments:**
- ☒ **Location:** Verify location and fire flow of one existing fire hydrant at intersection of Ford Blvd. and Cesar Chavez Ave. Provide evidence on LACoFD fire flow form, Form 196, that the fire hydrant and available flow rate meets LACoFD requirements. This form should be submitted to Fire Prevention Engineering, 5823 Rickenbacker Road, Commerce, 90040. Phone: 323 890-4125 for verification of these requirements.
- ☒ **Access:** Project subject to Fire Code Access Standards.
- ☒ **Special Requirements:** Submit architectural drawings, including: site plan, floor plan, elevations, door and window schedules to Fire Prevention Engineering, for additional Fire Department requirements during the Building Plan Check Phase.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: *Janna Masi*

Co.CUP 04/04

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-9783